



PATENT

Customer No. 22,852
Attorney Docket No. 7738.147

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Grant E. DUBOIS et al.) Group Art Unit: 1761
)
Application No.: 09/838,809) Examiner: unassigned
)
Filed: April 20, 2001)
)
For: NON CALORIC FROZEN)
CARBONATED BEVERAGE)

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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**SECOND SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Second Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Each document listed in this Second Supplemental Information Disclosure Statement was first cited in a communication from the European Patent Office in a counterpart foreign application, and this Second Supplemental Information Disclosure Statement is being filed within three months of the mailing date of that communication.

Copies of the listed documents, including any copending patent applications, are attached.

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Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: November 7, 2002

By: 

Lori-Ann Johnson
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